IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2591 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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KAILASHGIR VALLABHGIR GOSWAMI & Others.

Versus

STATE OF GUJARAT

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Appearance:

1. Special Civil Application No. 2591 of 2004
M/S THAKKAR ASSOC. for Petitioner No. 1-3
Mr. Nagesh Sood, AGP for Respondent No. 1-2

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CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 28/07/2004

ORAL JUDGEMENT

Rule. Mr. Nagesh Sood, learned AGP waives service of Rule on behalf of the respondents. With the consent of the parties, the matter is taken up for final hearing today.

2. What is challenged in the present Special Civil

Application is the Circular dated 16.10.2003 issued by the State Government by which all the Mamlatdars have been directed to keep the proceedings under Section 70 (o) of the Bombay Tenancy & Agricultural Lands Act, 1948 in abeyance and/or suspension and also for an appropriate writ, directing the concerned Mamlatdar to proceed with the Tenancy proceedings, and to decide it on merits and to proceed with in accordance with the provisons of the Act.

3. Today, when the matter is taken up for Final Hearing, Shri Kamal B. Trivedi, learned Additional Advocate General appears on behalf of the State Government and makes a statement that the Circular dated 16.10.2003 issued by the Revenue Department, State of Gujarat is being withdrawn and that concerned Mamlatdar and ALT (Tenancy) would decide the application submitted by the petitioners in accordance with law and on merits. In that view of the matter, nothing further is required to be done now in the present Special Civil Applications. The petitions are disposed of accordingly. Rule is made absolute to the aforesaid extent with no order as to costs.

rmr. [ M.R. Shah, J. ]